

FILED

**COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983**

NOV 14 2007

Name HEALY JOHN H  
 (Last) (First) (Initial)

RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

Prisoner Number SF Jail San Francisco Jail #2329447 / SF# 586566 / CDC # H91058 (DISCHARGED)  
 Institutional Address (Current) 850 BRYANT ST, San Francisco, Calif. 94103

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

JF

JOHN HARVEY HEALY  
 (Enter the full name of plaintiff in this action.)

CV 07 5790

vs.

Case No. \_\_\_\_\_  
 (To be provided by the clerk of court)

Director of Calif Dept of Corrs  
San Quentin State Prison  
Super Prison

COMPLAINT UNDER THE  
 CIVIL RIGHTS ACT,  
 42 U.S.C §§ 1983

(PR)

(Enter the full name of the defendant(s) in this action))

E-filing

[All questions on this complaint form must be answered in order for your action to proceed..]

I. Exhaustion of Administrative Remedies

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement San Francisco County Jail

B. Is there a grievance procedure in this institution?

YES (x) NO ( )

C. Did you present the facts in your complaint for review through the grievance procedure?

YES (x) NO ( ) N/A

D. If your answer is YES, list the appeal number and the date and result of the

COMPLAINT

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appeal at each level of review. If you did not pursue a certain level of appeal, explain why. 602 appeal system while in Calif Dept <sup>Corrs</sup>

1. Informal appeal Told that the computer didn't reveal update on OBIS & they were working on it. No discharge or release date was available.

2. First formal level I filed & it was approved either on 1<sup>st</sup> or 2<sup>nd</sup> Level though I still not released.

Interview with a Lt. & he read my papers from Sacramento & tried personally to get me released as he even admitted I was beyond my 3. Second formal level total discharge date by over one week

4 Third formal level \_\_\_\_\_

E. Is the last level to which you appealed the highest level of appeal available to you?

YES ( ) NO ☒

F. If you did not present your claim for review through the grievance procedure, explain why. Stated above \*also I ~~was told~~ was told time &

again by CDC staff & officers that I would be released in the next day to 3 days. Again. Not long. Next week. Don't worry, the systems a little backed up & by the time you (I) appeal further I'll be out, etc.

II. Parties

A. Write your name and your present address. Do the same for additional plaintiffs, if any.

John Harvey Healy #2329447, SFCTJ

850 BRYANT ST

San Francisco, Calif 94103

B. Write the full name of each defendant, his or her official position, and his or her

place of employment.

① Calif Dept of Corrections

② San Quentin State Prison

③ California State

III.

#### Statement of Claim

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

I was transported to San Quentin State Prison from San Francisco Jail 2 days beyond my release in May 2007. Still in June when I was due for discharge of my complete State & CDC commitment & to retire my CDC # I was still incarcerated. I'd written Sacramento & had documentation that I was to originally discharge my # in April (this was prior to May) (Return letter arrived late April/early May) but the OBIS computer was not yet updated & that I had to add my absconding time to date. Which discharged me June 9 or 7, 2007. I brought this to the attn. of Sgt Kiss, Lt Morales, Sgt & 90 Evans & another C.O. whom saw the problem & even still & then June 19, 2007 tried to get me released. Records never updated my case though it had been finalized 5 months prior & also claimed that my CDC file was lost. Stated Sacramento couldn't find my file either. I was finally released June 19, 2007 over 30 days past my release & approx 10 days after my total CDC commitment incl. parole was done & over against my will of course.

#### IV. Relief

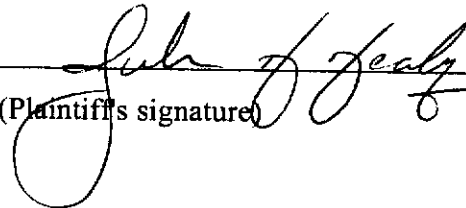
Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

I want monetary reimbursement, ~~approx \$1000~~ for days past my

~~discharge~~ legal discharge. #

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 6<sup>th</sup> day of November, 20 07

  
(Plaintiff's signature)